

REMARKS

Status of Claims

Claims 1 and 4 have been rejected under 35 USC102(e) for lack of novelty over Widegren.

Claim 3 has been rejected under 35 USC103(a) over Widegren in view of Architectural Aspects for the Evolution of Mobile Communications Towards UMTS by Berruto.

Claim 5 has been rejected under 35 USC103(a) over Widegren in view of Architectural Aspects for the Evolution of Mobile Communications Towards UMTS by Berruto.

Claim 1

Claim 1 has been amended to revert to the original wording of its line 2. The previous amendment in line 2 arose by error. As regards line 2 of amended claim 1, the core networks correctly have the same functionality, see Figures and page 11 line 9 to page 12 line 25 of the present application. See in particular page 11 line 25 to page 12 line 2 where the same functionality is disclosed as being 2G functionality. Claim 1 is, of course, not limited to 2G functionality.

It is respectfully submitted that amended claim 1, which basically corresponds to claim 2 as originally filed, is patentable, in particular for the following reasons:

Amended claim 1 is distinguished over Widegren in that the at least two core networks have "the same functionality". Widegren discloses that the at least two core networks have different functionality (ISDN and Internet) as the Examiner indicates in his numbered paragraph 2.

Amended claim 1 is also distinguished over Widegren in that "the radio access network switches packet transmissions from each terminal to one of the at least two core

networks in dependence on the capacity of the respective core networks" (emphasis added).

Widegren relates primarily to appropriate assignment of radio bearers dependent on quality of service desired for a call. However, in its column 6 lines 54 to 59 it states:

"A service from the core network service node is requested using a signaling connection between the mobile station and the core network service node. The signaling connection may be set up in response to a page from the core network, activation of a service in the mobile station, or by some other procedure, e.g., a location update."

This would appear to suggest choosing a core network from core networks of different functionality (ISDN or Internet) based on the desired quality of service for a call. ISDN inherently provides guaranteed voice quality of service whilst Internet inherently provides a "Best Effort" quality of service. Accordingly, for example, the ISDN network will be selected for a voice service whilst Internet will be chosen for a web-browsing session. Although network capacity is one of many factors that can affect the actual quality of service experienced in practise by a particular call, there is no teaching or suggestion of switching to a core network dependent on the capacity of the respective core networks.

Claim 3

Claim 3 is patentable not least on the basis that it depends on an allowable amended claim 1.

Claim 4

Claim 4 has been amended to become a method claim corresponding to amended apparatus claim 1.

Claim 4 is patentable for the same reasons as laid-out in respect of claim 1 above.

Claim 5

Claim 5 is patentable not least on the basis that it depends on an allowable independent claim 1.

Claim 6

New claim 6 is added for which basis is provided by present application Figure 5, and associated text, see e.g. page 11 lines 14 to 15 and page 11 lines 25 to 26.


Abstract

The abstract has been amended in line with the amended claims.

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicants' attorney, **Jimmy Goo**, at **973 386 6377**.

Respectfully submitted,

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